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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,982	01/16/2004	Tony Christianson		8337

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,982

Applicant(s)

CHRISTIANSON, TONY

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1 and 9 are objected to because of the following informalities:

In claim 1, line 2, "An" should be changed to - - an - -.

In claim 9, line 2, "A" should be changed to - - a - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. (U. S. Patent No. 4,528,728).

Concerning claims 1-5, Schmidt et al. ('728) discloses a carabiner comprising:
an oblong ring(112, as shown in Figures 7 and 8; and/or hook body 4 as shown in Figures 1 and 2) having a hinged gate (500, 522, see Figures 9 through 24A) adapted to have a closed position and an open position; control means (respective latch members 552 as shown in the Figures) substantially within said gate; the control means having a first position and a second position; said control means first position adapted to keep said gate closed; and said control means second position adapted to enable said gate to move from said closed position to said open position;

(concerning claim 2).forcing means (spring 552); said control means at said second position enables said forcing means to move in response to movement of said gate from said closed position to said open position;

(concerning claim 3) the control means second position transmits force from said forcing means for biasing said gate toward said closed position;

(concerning claim 4) the control means at said second position transmits force to said forcing means thereby enabling said gate to move from said closed position to said open position;

(concerning claim 5) operating means (respective buttons 660, 684, 730, 780; Figures 15, 15A) that selectively moves said control means from said first position to said second position;

(concerning claim 6) the operating means selectively moves said control means from said second position to said first position;

(concerning claim 7) the control means first position adapted to block opening movement of said gate;

(concerning claim 8) first position is stable and said second position is stable, said stability provided by said forcing means; and

(concerning claim 9) a portion of said gate is hollow (as shown in the Figures), said control means and said forcing means are substantially contained within said hollow portion of said gate.

Concerning claims 10 and 11, Schmidt et al. ('728) discloses a climbing aid comprising: a C-shaped body (112, Fig. 7; 502, Figures 15, 15A) having a first leg end (192; 504) and a second leg end (152; 506); an arm (522) adapted to span the opening between the body first and second leg ends, the arm having a first end (524) and a second end (526); the arm first end hinged to the body first leg end; forcing means (778) within the arm; control means (552) substantially contained within the arm, the control means can be selectively moved from a first position to a second position; the control means first position adapted to prevent separation of the arm from the body when the arm second end is adjacent the body second leg; and the control means second position adapted to provide the transmission of force from said forcing means to said body first leg end for urging said arm second end toward said body second leg; and

(concerning claim 11) the control means first position blocks movement of the forcing means (as demonstrated in Fig. 15).

Concerning claim 12, Schmidt et al. ('728) discloses a substantially oblong ring having a hinged gate adapted to provide a path to the inside of said ring; said gate

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comprising: forcing means (spring 552) adapted to close said gate, said forcing means contained within said gate; control means (respective latch members 552 as shown in the Figures) for directing the force provided by said forcing means, said control means substantially contained within said gate; said control means has a first position and a second position; said control means can be selectively moved by finger pressure; said first position prevents opening movement of said gate; and said second position allows opening movement of said gate.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
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